THE HON'BLE SRI JUSTICE V.ESWARAIAH

W.P.NO.23951 OF 2005

Dt.9.11.2005

Between:

Chennam Eshwaraiah

… Petitioner

And

The District Collector, Ongole,

Prakasam District and 3 others. … Respondents

ORDER:

Heard the learned counsel for the petitioner and the learned Government Pleader for Civil Supplies.

The authorization of the Fair Price Shop of the petitioner in respect of Maddirala Muppala Village, Naguluppalapadu Mandal, Prakasam District, has been suspended for a period of three months or till the finalization of disciplinary proceedings by order dated 15.6.2005 in Rc.C/1795/2004 by the Revenue Divisional Officer, Ongole. Against which, the petitioner filed an appeal before the Joint Collector, Ongole and the Joint Collector by order dated 22.9.2005 dismissed the appeal. Against the order of the appellate authority, the petitioner filed revision under Clause 21 of the A.P.State Public Distribution System Control Order, 2001 before the District Collector, Prakasam District and the same is pending.

The learned counsel for the petitioner submits that though stay application has been filed on 29.9.2005, the revisional authority has not passed any orders on the stay application. Admittedly, there was no stay pending disposal of the revision. If the irregularities are technical in nature, no doubt this Court can grant appropriate relief. But, having regard to the facts and circumstances of the case and in view of the allegations made in the impugned order of the Revenue Divisional Officer dated 15.6.2005, I am not inclined to grant stay pending disposal of the revision before the District Collector.

The writ petition is accordingly disposed of directing the first respondent to consider and dispose of the stay application filed by the petitioner on 29.9.2005 within two weeks from the date of receipt of a copy of this order. The 3rd respondent – Revenue Divisional Officer, Ongole is also directed to complete the enquiry and pass

appropriate orders considering the explanation of the petitioner and after giving reasonable opportunity to him within six weeks from the date of receipt of copy of this order.

The writ petition is accordingly disposed of. No costs.

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(V.ESWARAIAH, J.)

9.11.2005

Note: Issue copy within three days.

B.O.

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